

FOR THE DISTRICT OF HAWAII

Defendants.

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SUBJECT OF THIS CASE

Each of these exhibits is directed to software which is not the subject of this case and which has nothing to do with the issues to be presented to the jury.

Accordingly any use or reference to these exhibits will distract the jurors from the proper subject matter of this case.

This motion is based upon Rule 7 of the Federal Rules of Civil Procedure and Rules 401 and 402 of the Federal Rules of Evidence, and is supported by the Memorandum in Support of Motion, Declaration of Lex R. Smith, and Exhibits attached hereto and the records and files herein.

Dated: Honolulu, Hawaii, January 3, 2006.

KOBAYASHI, SUGITA & GODA



LEX R. SMITH
THOMAS H. YEE

KIRKLAND & ELLIS LLP

ERIC C. LIEBELER
DAMIAN CAPOZZOLA
R. OLIVIA SAMAD

Attorneys for Defendant
POST CONFIRMATION TRUST